



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 15, 1995

Mr. George Ford  
Executive Director  
Harris County Children's Protective Services  
5100 Southwest Freeway  
Houston, Texas 77056-7309

OR95-120

Dear Mr. Ford:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30617.

The Harris County Children's Protective Services Agency (the "agency") received a request for "a list of all [agency] employees, including names, addresses, social security numbers, dates of birth, phone numbers and any other . . . public information allowed under the [Open Records] Act." You contend that the social security numbers are excepted from required public disclosure under section 552.101 of the Government Code. You also contend that the phone numbers and addresses of certain employees are excepted from disclosure under section 552.117. You further question whether the agency must comply with the request for "any other . . . public information allowed under the [Open Records] Act." As you do not contend that the names and dates of births of the employees are excepted from required public disclosure, we do not address that information in this ruling, and we assume that you have released it to the requestor.

We first address your question concerning the agency's duty to respond to a "vague" request. A governmental body must make a good faith effort to relate a request to information that it holds. Open Records Decision No. 561 (1990) at 8. A governmental body may, when faced with a broad request for information, advise the requestor of the types of information available so that the requestor may narrow the request. *Id.* When the requested information is identified, however, the governmental body must promptly produce the information for inspection or duplication or both. Open Records Decision No. 87 (1975). A governmental body cannot refuse to provide information merely because the request involves a large volume of records or merely

because the governmental body may incur substantial costs in compiling and preparing the information. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 687 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977) (concluding that governmental body cannot consider cost of providing records in determining whether records should be disclosed). In other words, once a governmental body knows what information a requestor is seeking, the governmental body must provide that information even if doing so involves a case-by-case review of the files. *Id.*

Title 42, section 405(c)(2)(C)(vii)(I) of the United States Code makes confidential social security numbers "that are obtained or maintained . . . pursuant to any provision of law, enacted on or after October 1, 1990." As was indicated in Open Records Decision No. 622 (1994), a governmental body must determine under what authority it obtained a particular social security number and the effective date of that law to determine whether the social security number must be withheld. This test means a governmental body may be required to release the social security numbers of some employees and to withhold the social security numbers of other employees.

In this case, the agency asserts that the social security numbers are maintained to comply with federal and state tax and social security laws, immigration control, and identification for personnel files. You do not indicate any specific laws, however, that require the agency to obtain the social security numbers of its employees. Therefore, we cannot say definitively that the requested social security numbers should or should not be released to the public. Although this office is capable of opining on whether a particular statute is a provision of law enacted on or after October 1, 1990, we are not in a position to determine what law gives another governmental body authority to obtain a social security number. If you want any further guidance on the application of title 42, section 405(c)(2)(C)(vii)(I) of the United States Code to particular social security numbers, you must identify the specific provisions of law under which the social security numbers were obtained.

Finally, we address whether the home addresses and telephone numbers of agency employees must be released pursuant to this request for information. Section 552.117 of the Government Code provides that:

(1) The home address or home telephone number of:

(A) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024; or

(B) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code. [Emphasis added.]

In pertinent part, section 552.117 excepts from disclosure the home addresses and telephone numbers of all peace officers, as defined by article 2.12 of the Code of Criminal Procedure, and the home addresses and telephone numbers of all current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024. Therefore, section 552.117 requires you to withhold any home address or telephone number of a peace officer that appears in the requested documents. In addition, section 552.117 requires you to withhold any home address or telephone number of an official, employee, or former employee who requested that this information be kept confidential under section 552.024. *See Open Records Decision Nos. 622 (1994); 455 (1987).* You may not, however, withhold the home address or telephone number of an official or employee who made the request for confidentiality under section 552.024 after this request for the documents was made. Whether a particular piece of information is public must be determined at the time the request for it is made. Open Records Decision No. 530 (1989) at 5.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive, flowing style.

Margaret A. Roll  
Assistant Attorney General  
Open Government Section

MAR/LBC/rho

Ref: ID# 30617

Enclosures: Submitted documents

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(w/o enclosures)